

CHAPTER 145  
LIBRARY THEFTS

S. F. 4

AN ACT relating to theft of library materials and providing a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Chapter seven hundred two (702), Code 1979, is amended by adding the following new section:

NEW SECTION. LIBRARY MATERIALS. "Library materials" include books, plates, pictures, photographs, engravings, paintings, drawings, maps, newspapers, magazines, pamphlets, broadsides, manuscripts, documents, letters, public records, microforms, sound recordings, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, and written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of any of the following:

1. A public library.
2. A library of an educational, historical, or eleemosynary institution, organization, or society.
3. A museum.
4. A repository of public records.

Sec. 2. Section seven hundred fourteen point five (714.5), Code 1979, is amended to read as follows:

714.5 EVIDENCE OF INTENTION. The fact that any a person has concealed library materials as defined in section one (1) of this Act or unpurchased property of any a store or other mercantile establishment, either on the premises or outside the premises of such store, shall be is material evidence of intent to deprive the owner thereof, and the finding of such library materials or unpurchased property concealed, upon the person or among the belongings of such the person, shall be is material evidence of intent to deprive and, if such the person conceals, or causes to be concealed, such library materials or unpurchased property, upon the person or among the belongings of another, the finding of the same shall is also be material evidence of intent to deprive on the part of the person concealing such the library materials or goods.

The fact that a person fails to return library materials for six months after the date the person agreed to return the library materials is evidence of intent to deprive the owner, provided a reasonable attempt has been made to reclaim the materials. Notices stating the provisions of this section and of section eight hundred eight point twelve (808.12) of the Code with regard to library materials shall be posted in clear public view in all public libraries, in all libraries of educational, historical or charitable institutions, organizations or societies, in all museums and in all repositories of public records.

In the case of lost library materials, arrangements may be made to make a monetary settlement.

Sec. 3. Section eight hundred eight point twelve (808.12), Code 1979, is amended to read as follows:

808.12 DETENTION AND SEARCH IN THEFT OF LIBRARY MATERIALS AND SHOPLIFTING.

1. Persons concealing property as set forth in section 714.5, may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.

2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.

3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee ~~shall~~ does not render ~~such peace officer, merchant, or merchant's employee~~ the person liable, in a criminal or civil action, for false arrest or false imprisonment provided ~~the peace officer, merchant, or merchant's employee~~ the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property as set forth in section 714.5.

Sec. 4. This Act is effective on January first following its enactment.

Approved June 1, 1979

## CHAPTER 146

### SOLICITATION TO GATHER EVIDENCE

H. F. 368

AN ACT relating to police activity in gathering evidence which does not constitute the crime of solicitation.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section seven hundred four point eleven (704.11), Code 1979, is amended to read as follows:

704.11 POLICE ACTIVITY. A peace officer or person ~~employed by~~ acting as an agent of or directed by any police agency who ~~joins~~ participates in the ~~participation~~ commission of a crime by another person solely for the purpose of gathering evidence leading to the prosecution of such other person shall not be guilty of that crime or of the crime of solicitation as set forth in section seven hundred five point one (705.1) of the Code, provided that all of the following are true:

1. He or she is not ~~the~~ an instigator of the criminal activity.